

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TONY JAROME EPPS,

Plaintiff,

v.

J. FORTSON, ET AL.,

Defendants.

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No.: 4:17-CV-1059

(Judge Brann)

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of January 2018, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Plaintiff's letter to withdraw (Doc. 22) is construed as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1) .
2. Plaintiff's request for voluntary dismissal is accepted and his pending action is **DISMISSED WITHOUT PREJUDICE**.
3. The Plaintiff's motions seeking an evidentiary hearing (Doc. 20) and for summary judgment (Doc. 21) are **DEEMED WITHDRAWN**.
4. Defendants' motion to dismiss (Doc. 14) is **DISMISSED AS MOOT**.
5. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge